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DAN SMOOT

RECOGNITION OF RED CHINA

BY DR. CHARLES CALLAN TANSILL

With most of our NATO allies (Italy and Canada the most recent) now recognizing the red Chinese dictatorship and supporting its admission to the UN, and with the Nixon administration "softening" the U. S. official attitude, it is obvious that we are moving fast toward U.S. diplomatic recognition of communist China. Hence, we reprint (with a few minor changes necessary for updating) a commentary on that subject written for this REPORT in 1961, by Dr. Charles Callan Tansill (now deceased). For years Professor of American Diplomatic History at Georgetown University, author of AMERICA GOES TO WAR (a scholarly account of U.S. involvement in World War I), of BACK DOOR TO WAR (a monumental documentation of Franklin D. Roosevelt's foreign policy to 1941), and of numerous other important books, Dr. Tansill was THE foremost authority on American diplomatic history.

If the Peiping Government finally gains admission into the United Nations, what then?

Can the U.S. government remain passive in the face of red China membership in the United Nations when it is remembered that in November, 1950, red China invaded South Korea and (in the war of aggression that ensued) more than 33,000 American troops were killed with a total American casualty list of 136,916?

Can the United Nations conveniently overlook the fact that on February 1, 1951, the Assembly voted in favor of a resolution that condemned this red Chinese invasion as an "act of aggression"?

Did the American troops who made up the bulk of the United Nations' army fight in vain?

All these questions are closely related to the possibility of U.S. recognition of red China. They inevitably lead to a discussion of the recognition policy of the United States since the Constitution went into effect in 1789.

It was Jefferson, as our first Secretary of State, who formulated the American doctrine of recognition. His correspondence reveals that, while he advocated the recognition of *de facto* governments, his advocacy of such governments was based upon the assumption that these governments represented the will of the *majority* of the people concerned.

A *de facto* government is one actually functioning as a result of a revolution or rebellion but not yet

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permanently established or recognized.

Jefferson was not interested in *de facto* governments erected by aggressive minorities. His position was made very clear in his instructions to Gouverneur Morris with reference to the revolutionary government of France. In this instruction of November 7, 1792, Jefferson said:

"It accords with our principles to acknowledge any Government to be rightful which is formed by the will of the nation, substantially declared."

On March 12, 1793, he repeated this dictum:

"We surely cannot deny to any nation that right whereon our own Government is founded — that every one may govern itself according to whatever form it pleases. The will of the nation is the only thing essential to be regarded."

These criteria, or tests of recognition, laid down by Jefferson, were closely followed until 1877 when another criterion was added. On December 3, 1877, President Hayes indicated that he had applied another test relative to the recognition of the Diaz government in Mexico: new governments to be recognized, should not only rest upon the will of the people but also must be able to *fufill their international obligations.*

This new test received acceptance as one of the main criteria governing the recognition of new governments.

In February, 1913, just before the inauguration of Woodrow Wilson as President, Francisco Madero, the Chief executive of Mexico, was driven by force from the Presidential office, and murdered. The finger of suspicion pointed to Victoriano Huerta who soon assumed the Presidential office. President Wilson applied to the Huerta *de facto* government the Jeffersonian test of whether it rested upon the popular will of the Mexican people. Wilson refused to accord recognition to the Huerta government, thereby deeply disturbing extensive oil interests which had hoped to secure rich oil concessions from the Huerta hirelings. Wilson held firm, made Huerta flee his Presidential office, and nearly brought on war with Mexico. But he had upheld the Jeffersonian policy of recognition, and had refused to recognize a government tainted with murder.

This cautious policy of recognition was not always followed by the Wilson Administration. In 1917, in the case of Russia, the Department of State bypassed the usual tests of recognition. On March 11, 1917, revolution broke out in St. Petersburg; and, on March 16, the Czar abdicated. A provisional government under Prince Lvov was established; and it promptly looked to the United States for recognition.

If the Department of State had applied the usual tests before extending recognition to this new regime, it would have been necessary for its leaders to demonstrate that their political structure rested upon the broad basis of popular approval, clearly indicated in a plebiscite. But Secretary Lansing conveniently overlooked the usual criteria. The provisional government in Russia was speedily recognized, and large loans were extended to it.

Under Bolshevik pressure, the provisional government collapsed on November 7, 1917. The wishful thinking of President Wilson and Secretary Lansing had merely led to a costly experiment. And, with regard to the Bolsheviks who seized power in Russia, Wilson returned to the traditional American recognition policy.

It was the action of President Roosevelt, in recognizing red Russia in 1933, that completely wrecked the recognition policy of the United States. In 1932, Stalin had just completed the murder of 6,000,000 kulaks, or well-to-do Russian farmers. Stalin stretched his hands (red with this blood of millions) across the broad Atlantic; and Roosevelt grasped them in cordial friendship.

Roosevelt knew that, on August 10, 1920, Bainbridge Colby (the last Secretary of State under President Wilson) had sent a famous note to the Kremlin in which he rejected in bitter language the Soviet bid for recognition. Roosevelt also knew that every Secretary of State since Colby had sent similar notes of rejection. Acting as his own Secretary of State, Roosevelt sent to the Soviets a friendly invitation to apply for American recognition. Stalin complied instantly.

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Communism badly needed American help. In Europe, Hitler was daily denouncing Soviet Russia; and, in the Far East, Japan had plans to push Russia out of North China. If Stalin could get Roosevelt to fight both Germany and Japan and crush them, Russia would dominate a large part of the world. Roosevelt did just that. The opening operation in this grim game of saving communism was Roosevelt's diplomatic recognition of the Soviets on November 16, 1933.

Roosevelt, and the whole world, knew that Stalin was the greatest mass murderer of all time and that his government was imposed upon the Russian people by murder and brute force. Roosevelt knew that the Soviet government had a long record of refusal to pay its just debts, and that it scorned the idea of fulfilling its international obligations. Roosevelt also knew that the announced aim of the Soviet Union was not only to infiltrate and destroy the institutions and liberties of our country, but also to kill millions of Americans.

Roosevelt's recognition of the Soviets in 1933 was the first act in a tragedy of errors that led to involvement in World War II, the destruction of Russia's encircling foes, and the gift of eleven billions of lend-lease goods — all of which made Russia a Frankenstein that now threatens to destroy not just "millions" of Americans — but everyone on the North American continent.

Is it not the grimmest jest in all history that official consideration is now being given to the erection of a memorial to Franklin D. Roosevelt? The numberless graves in Arlington National Cemetery and thousands of other nameless graves throughout the world (of Americans who lost their lives in World War II) are monuments to Roosevelt's memory. We need no other.

No subsequent President has made any effort to restore the traditional American policy of recognition which Roosevelt wrecked. Apparently assuming that the old Jeffersonian ideals were dead and buried forever, Truman and Eisenhower began, and subsequent Presidents have continued, the horrifying practice of extending diplomatic recognition to small African states whose people are just emerging from cannibalism. Do the governments of these semi-savage tribal nations rest upon the popular will of the peoples concerned? Absurd! It is equally preposterous to claim that these black caricatures of nations can fulfill their international obligations. International law has no meaning for blacks who still have wistful memories of the jungle feasts that follow a ritual of cannibalism.

At present, our nation watches and guesses, with anxiety, as we move rapidly toward the day when the administration must resolve the inevitable question: will we extend diplomatic recognition to red China?

The people had better exert maximum pressure on Congress to demand a restoration of the traditional American policy of recognition. This policy would prohibit our recognition of red China, a brutal regime resting not on popular will but on mass murder and slavery.

GET US OUT

As Dr. Tansill points out, we could solve the problem of recognizing red China, by simply returning to traditional American policy, thus foreclosing the possibility of U.S. recognition of another communist dictatorship. The security of our nation requires that this be done, because every communist embassy in the United States is another outpost of an enemy openly dedicated to our destruction — an outpost located within our borders, sheltered by our laws and customs, its personnel enjoying diplomatic immunity no matter the crimes committed or depradations made against our society.

Red China in the UN will greatly aggravate our security problems, because the UN also provides diplomatic immunity and cover in the United States for communist secret police, spies, saboteurs, agents-provocateurs, propagandists, and smugglers and pushers of drugs. We should solve this problem not by trying to keep red China out of the UN, but by getting out ourselves, and getting the UN out of our country.

Swamp President Nixon with letters protesting the softening attitude toward red China, and

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demanding that we get out of the UN and get the UN out of the U.S.

YORK CASE

Ray York and Mother

Last school year, Ray York, a 14-year-old boy in Oklahoma City, refused to leave the public school in his neighborhood and be bused (for "racial balance") to another school. The school board brought suit in federal court against the boy's parents. On January 19, 1970, Ray was arrested for trying to attend his neighborhood school. On January 23, federal judge Luther Bohanon held Ray's parents in criminal contempt of the court's order to keep Ray away from his neighborhood school. Judge Bohanon sentenced Mr. and Mrs. York to 30 days in jail and $1000 fine each.

The Yorks put Ray in a private school, and appealed their case. Their lawyer is General Clyde Watts, who represents them without fee. Concerned citizens all over the United States (mostly subscribers to this *Report*) contributed enough to a York Defense Fund to finance the costs.

While the case was pending in the U.S. Court of Appeals at Denver, Judge Bohanon discovered that, in sentencing Mr. and Mrs. York, *he* had violated federal law (18 U.S.C. Sect. 401), which provides that a federal court may punish criminal contempt "by fine or imprisonment," but not by both. Judge Bohanon eliminated the jail sentences.

On July 29, 1970, the appellate court, relying on an unidentified (and non-existent) constitutional provision, held that the federal judge did have authority to enforce the school board's ruling, and that the Yorks should have obeyed the court's order even if it were invalid. The appellate court said, however, that the school board should not have taken the York case into federal court; and it concluded that the $1000 fines against Mr. and Mrs. York constituted "harsh and excessive" penalties. While affirming that the Yorks were guilty of criminal contempt, the appellate court reduced their fines: Mr. York's to $250; Mrs. York's to $500.

The Yorks have appealed to the U.S. Supreme Court. Meanwhile, the complications of "racial balance" have caused another reshuffling of Oklahoma City school districts. Schools in Ray York's neighborhood are once again in his district. The boy is now attending public school in his own neighborhood, which is what a U.S. Marshal arrested him for trying to do on January 19.

Speaking for myself, and on behalf of the York family, I express deep appreciation to all who contributed to the York Defense Fund.

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